

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

BENJAMIN MORLEY,)
Plaintiff,)
)
v.)
)
STATE OF VERMONT;)
GOVERNOR'S WORKFORCE AND EQUITY)
AND DIVERSITY COUNCIL;) Case No. 5:21-cv-272
VERMONT DEPT. OF HUMAN RESOURCES;)
VERMONT DEPT. OF AGING AND)
INDEPENDENT LIVING; VERMONT)
DIVISION OF VOCATIONAL)
REHABILITATION;)
ALLISON LAND, in her individual and official)
capacity;)
HIBBARD DOE, in his individual and official)
capacity;)
ELIZABETH HARRINGTON, in her individual)
and official capacity;)
DIANE DALMASSE, in her individual and)
official capacity;)
KAREN BLAKE-ORNE, in her individual and)
official capacity; and)
HEATHER BATALION, in her individual and)
official capacity;)
Defendants.)

**DECLARATION OF JAMES SMITH IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

I, James Smith, hereby declare as follows:

1. I am personally familiar with the facts set forth in this Declaration. If called to testify, I could and would testify competently as to the facts set forth herein.
2. I am the Deputy Director of the Vermont Division of Vocational Rehabilitation.
3. In my capacity as the Deputy Director, I worked on the request for proposals attached to the complaint as Exhibit 6 and am the sole contact listed on the request.

4. The request sought proposals for a diversity, equity and inclusion implementation consultant. It was prompted in part by a needs assessment conducted by DVR, which showed high levels of overall satisfaction with DVR's services that were somewhat lower for a small, but statistically significant number of Vermonters who identified as Hispanic.

5. DVR is currently in the process of negotiating a contract to take each of the steps listed in the request for proposals with Social Contract, LLC, a consulting firm based in Delaware.

6. The contract has not yet been finalized, but it contemplates the initial needs assessment phase lasting roughly 6 months, and generating the information needed for stakeholders to meaningfully inform the future of DVR's strategy. The second, data evaluation and planning phase is also expected to last roughly 6 months.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 22 day of December, 2021 at _____, Vermont.

James Smith